

In regards to the above rejection, the Office on page 4, lines 16-18 of the Office Action dated October 27, 2003, stated:

"Claims 8 and 16 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims."  
(Emphasis added.)

The Office on page 4, lines 22-23 of the Office Action dated October 27, 2003, further stated:

"In regard to claims 7-8 and 16, the prior art fails to teach a plurality of workstations is symmetrically and concentrically positioned on the platform."

(It is noted that the Office restated the above with the exclusion of previously canceled dependent claim 16 on page 3, lines 21-22 of the present Office action.)

In view of the Office's above statements the Applicant, in the response dated January 27, 2004, canceled dependent method claim 16 and amended independent method claim 12 to include the subject matter of canceled dependent method claim 16. More specifically, independent method claim 12 was amended to include the step of:

"placing a plurality of workstations on said first member with said plurality of workstations symmetrically and concentrically positioned around said first member;" (Emphasis added.)

In view of the Applicant's amendment to independent method claim 12 of January 27, 2004 along with the Office's statements on page 4, lines 16-18 and 22-23 of the Office Action

dated October 27, 2003 and page 3, lines 21-22 of the present Office action it is respectfully submitted that Applicant's independent method claim 12, should now be in allowable form.

In regards to claims 13-15 and 17-18, Applicant's method claims 13-15 and 17-18 each depend on independent method claim 12. Since Applicant's independent method claim 12, as amended on January 27, 2004, is allowable over the reference of Lemkull for the reasons stated above the Applicant respectfully submits that dependent method claims 13-15 and 17-18 are now also allowable.

**Rejection under 102(b)**

Claims 1-6 and 9-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent # 3,565,386 to Lemkull.

In regards to claims 1 and 10, Applicant's independent claim 1 calls for a shock and vibration system for symmetrical isolation of shocks including:

“a first member having an interior space;  
a second member, said second member positioned interiorly with respect to said first member, said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member;”  
(Emphasis added.)

Applicant's independent claim 10 calls for a shock and vibration system for symmetrical isolation of shocks having:

“a first member having an interior space, said first member is fixedly mounted;

a second member, said second member positioned interiorly with respect to said first member; said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member;”  
(Emphasis added.)

It is submitted that the reference of Lemkull does not teach his device as including a platform located within a chamber with "said platform coaxially positioned with respect to said first member." (Emphasis added.)

In regards to the Office's statement on page 4, lines 5-8 of the Office action:

"In the specification of Lemkull's invention in column 1, lines 59-68, "B" is a body having a housing with a domed top and a 'platform mounted in the housing'.  
(Emphasis added.) Therefore, Lemkull's body has a platform that is coaxially positioned with respect to the first member."

Applicant respectfully disagrees with the Office's above statement. Referring to column 1, lines 62-63, note that Lemkull teaches an inertial navigation unit having a platform mounted in the housing "... on appropriate gimbals, ..." (Emphasis added.)

A gimbal is defined as:

"A contrivance for permitting a body to incline freely in all directions, or for suspending anything, as a barometer, ship's compass, chronometer, etc., so that it will remain plumb, or level, when its support is tipped, as by the rolling of a ship. It consists of a ring in which the body can turn on an axis through a diameter of the ring, while the ring itself is so pivoted to its support that it can turn about a diameter at right angles to the first. (Emphasis added, see *Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.)

It is submitted that Lemkull's platform is not coaxially positioned with respect to the housing of his inertial navigation unit since the mounting of Lemkull 's platform on gimbals allows his body to incline freely in all directions resulting in the axis of his body changing with respect to his housing.

In view of the above, it is respectfully submitted that Lemkull teaches mounting of a platform on gimbals that produces a moving axis i.e. to have pitch and yaw with respect to his base member. In contrast, Applicant claims a fixed axial orientation with respect to the Applicant's first member, namely a "platform co-axially positioned with respect to said first member." Accordingly, Applicant's claims 1 and 10 are allowable over the reference of Lemkull since the Lemkull platform is free to move about and therefore not remain coaxially positioned.

In regards to the Office's rejection of Applicant's claims 5 and 9, Applicant's independent claim 5 has been amended to now call for a shock and vibration system for symmetrical isolation of shocks having:

"a first member comprising a platform having an interior space;  
a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole, said pole supporting said platform;" (Emphasis added.)

Applicant's independent claim 9 calls for a shock and vibration system for symmetrical isolation of shocks having:

“a first member comprising a plurality of storage compartments having an interior space;

a second member comprising a fixedly mounted pole; said pole positioned interiorly with respect to said plurality of storage compartments with said pole supporting said plurality of storage compartments extending radially outward from said pole;” (Emphasis added.)

It is submitted that the reference of Lemkull does not teach a "pole supporting said platform" as call for in Applicant's amended claim 5 or a "pole supporting said plurality of storage compartments extending radially outward from said pole" as called for in Applicant' amended claim 9.

In regards to the reference of Lemkull, although the Applicant respectfully disagree with the Office's contention on page 2, lines 19-21 that Lemkull's body B comprises a pole, note that Lemkull also does not teach a pole supporting a platform or a plurality of storage compartments as called for in claims 5 and 9 but instead teaches the opposite by showing in Figure 1 of his body B as being supported by his bottom member 18. (Note that Lemkull's body B is shown in an elevated condition with respect to Lemkull's bottom member 18.)

In further regards to the Office's above rejection of Applicant's independent claims 5 and 9, in the case of *Akzo N.V. v. United States Int'l Trade Comm'n*, the Federal Circuit held:

“Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference.” (Emphasis added.) See *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987).

It is submitted that the reference of Lemkull also does not anticipate Applicant's independent claims 5 and 9 as the reference of Lemkull does not disclose the element of a second member comprising a pole as called for in Applicant's independent claim 5 and a second member comprising a fixedly mounted pole as called for in Applicant's independent claim 9.

In regards to the Office's statement, on page 4, lines 11-13 of the Office Action, in support of the Office's rejection of Applicant's claims 5 and 9:

"According to Merriam Webster Collegiate Dictionary, pole is a long slender usually cylindrical object. Lemkull shows the second member having a body "B" shaped as cylindrical object, which is considered as a pole." (Emphasis added.)

Applicant respectfully disagree with the Office's above broad interpretation of Lemkull's housing as being a pole in support of the Office's rejection of Applicant's claims 5 and 9.

Note in column 1, lines 60-68 wherein Lemkull specifically discloses:

"The body is shown in phantom and may, for example, be an inertial navigation unit having a housing with a domed top, a platform mounted in the housing on appropriate gimbals, gyroscopes on the platform to sense rotation from reference position, followup elements responsive to the gyroscopes ... and accelerometers mounted on the platform to sense acceleration of the vehicle involved." (Emphasis added.)

It is submitted that an inertial navigation unit is different from a pole. In further regards to the above, applying the Office definition of a pole, it is respectfully submitted that a housing capable of containing a plurality of items such as a platform, gimbals, a gyroscopes to sense rotation, follow-up elements responsive to the gyroscopes, and

accelerometers to sense acceleration therein is not within the boundary of the definition of a pole as being a long slender usually cylindrical object.

Referring to Lemkull's Figures 1 and 2, it is further noted that the Office applied only one of the three criteria (long, slender, usually cylindrical) of the Office's definition of a pole, namely "usually cylindrical" in the office's assertion that Lemkull's body B can be consider as a pole. Note however that Lemkull's body B lacks the other two criteria as the Applicant submits that Lemkull's body B is shown in his Figures 1 and 2 as being short and wide.

It is for the above reasons that Applicant respectfully submits that Applicant's independent claims 5 and 9 are allowable over the reference of Lemkull.

In regards to claims 2-4, 6, and 11, claims 2-4 each depend on independent claim 1. Since independent claim 1 is allowable over the reference of Lemkull for the reasons stated above the applicant submits that dependent claims 2-4 are now also allowable. Applicant's claim 6 depends on independent claim 5 and Applicant's claim 11 depends on independent claim 10. Since Applicant's independent claims 5 and 10 are allowable over the reference of Lemkull for the reasons stated above the Applicant respectfully submits that dependent claims 6 and 11 are now also allowable.

In view of the above it is respectfully submitted that the application is in condition for allowance. Allowance of claims 1-15 and 17-18, as amended, is respectfully requested. Applicant has enclosed a marked-up version of the amendment with this response.

## VERSION OF AMENDMENTS SHOWING MARKINGS

### In the Claims

1. (Previously Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member having an interior space;

a second member, said second member positioned interiorly with respect to said first member, said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said first member and a second end connected to said second member with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said first member and said second member.

2. (Original) The shock and vibration system of claim 1 wherein said first member is fixedly mounted.

3. (Original) The shock and vibration system of claim 1 wherein said second member is fixedly mounted.

4. (Original) The shock and vibration system of claim 3 wherein said first member circumferentially surrounds said second member.



5. (Currently Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;

a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole, said pole supporting said platform; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole.

6 (Original) The shock and vibration system of claim 5 wherein said elastomeric shock mounts cantileverly extend at an acute angle between said first member and said second member.

7. (Previously Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;

a plurality of workstations, said plurality of workstations ~~are~~ symmetrical and concentrically positioned on said platform;

a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole.

8. (Previously Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;

a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole wherein at least four of said elastomeric shock mounts symmetrical positioned around said pole to form radial sector spaces therebetween with a workstation at least partially positioned in each of said radial sector spaces to provide a symmetrical loading of said elastomeric shock mounts with said elastomeric shock mounts cantileverly extending at an acute angle between said first member and said second member.

9. (Currently Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a plurality of storage compartments having an interior space;

a second member comprising a fixedly mounted pole; said pole positioned interiorly with respect to said plurality of storage compartments with said pole supporting said plurality of storage compartments extending radially outward from said pole;

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said plurality of storage compartments and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said plurality of storage compartments and said pole.

10. (Previously Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member having an interior space, said first member is fixedly mounted;

a second member, said second member positioned interiorly with respect to said first member; said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said first member and a second end connected to said second member with each of said elastomeric shock mounts symmetrical positioned in

the interior space to thereby provide shock and vibration isolation between said first member and said second member.

11. (Original) The shock and vibration system of claim 10 wherein said elastomeric shock mounts cantileverly support said platform to thereby isolate said platform from shocks to said first member.

12. (Previously Amended) The method of isolating shocks between a first member and a second member comprising:

placing a second member interior to a first member;

placing a plurality of workstations on said first member with said plurality of workstations symmetrically and concentrically positioned around said first member; and

symmetrically positioning and mounting a plurality of shock mounts between said second member and said first member with each of the shock mounts cantileverly extending between said second member and said first member to provide cantilevered support thereto.

13. (Original) The method of claim 12 including the step of placing the second member coaxial with the first member.

14. (Original) The method of claim 12 including the step of fixedly supporting said second member to enable said first member to provide a shock attenuated platform.

15. (Original) The method of claim 12 including the step of fixedly supporting said first member to enable said second member to provide a shock attenuated platform.

16. (Canceled)

17. (Previously Amended) The method of claim 12 including the step of forming a compartment in said second member with said compartment in said second member concentrically positioned with respect to said first member so that each of said shock mounts of plurality of shock mounts coact to isolate said compartment in said second member from shocks.

18. (Original) The method of claim 12 wherein the shock mounts are angularly positioned to provide for shock and vibration attention in three mutually perpendicular axis.

Respectfully submitted,

**JACOBSON AND JOHNSON**

By 

Carl L. Johnson, Reg. No. 24,273

Attorneys for Applicant  
Suite 285

One West Water Street  
St. Paul, Minnesota 55107-2080

Telephone: 651- 222-3775

Fax: 651-222-3776

CLJ/cj  
Enclosure